

Appln. No. 10/609,427
Amendment dated April 14, 2005
Reply to Office Action mailed January 14, 2005

REMARKS

Reconsideration is respectfully requested.

Claims 1, 3 through 6 and 9 through 19 remain in this application.
Claims 2, 7, 8 and 20 have been cancelled.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraphs 2-11 of the Office Action

Claims 1-5, 7, 9-13, 15 and 19-20 have been rejected under 35 U.S.C. §102(b) as being anticipated by Manzo (US 5,848,630).

Claims 6 and 14 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Manzo '630.

Claim 1, particularly as amended, requires "said cover member of said panel assembly having an overhang, said overhang extending from one of said side portions of said frame member such that said overhang of said cover member is adapted for being positioned opposite the building for directing rain away from the deck". These limitations have been taken from claim 8.

Examiner has indicated in paragraph 12 of the Office Action that the prior art of record fails to teach or adequately suggest the claimed features of claim 8 together with the base claim and any intervening claims. Therefore, claim 1, by virtue of its incorporation of the limitations of claim 8 and any intervening claims, is believed to be allowable.

In regard to claim 19, it is submitted that the Manzo reference does not disclose, teach or suggest "said cover member of each of said panel assemblies having an extension portion, said extension portion extending from one of said edge portions of said frame member of the associated one of said panel assemblies, said extension portion of said cover member being for extending over said cover member of an adjacent one of said panel assemblies for preventing rain from entering between said panel assemblies

Appln. No. 10/609,427

Amendment dated April 14, 2005

Reply to Office Action mailed January 14, 2005

when said panel assemblies are positioned adjacent to each other". The Manzo reference teaches a tandem security garage door tat fails to teach the extension portion of the cover member of one of said panel assemblies extending over the cover member of an adjacently positioned one of the panel assemblies to inhibit rain from passing between the panel assemblies as claimed by the applicant. Therefore, it is submitted that the Manzo reference would not lead one to the combination of features as claimed by the applicant.

Claims 3 through 6 and 9 through 15 are dependent upon claim 1, particularly as amended, and therefore incorporate the requirements of claim 1. Thus, claims 3 through 6 and 9 through 15 are also believed to be allowable over the cited reference.

Claims 2, 7 and 20 have been cancelled.

Withdrawal of the §102(b) rejection of claims 1-5, 7, 9-13, 15 and 19-20 is therefore respectfully requested.

Withdrawal of the §103(a) rejection of claims 6 and 14 is therefore respectfully requested.

Paragraph 12 of the Office Action

Paragraph 12 of the Office Action states that claims 8, 16 and 17 would be allowable if written into independent form with the limitations of the base claim and any intervening claims.

The above amendment incorporates the limitations of claim 2, 7 and 8 (in their as-filed form) into the recitation of claim 1, and therefore claim 1 is believed to be in condition for allowance. Claims 3 through 6 and 9 through 17, by virtue of their dependency from amended claim 1, are also submitted to be in condition for allowance.

Paragraph 13 of the Office Action

Claim 18 was previously allowed.

Appln. No. 10/609,427
Amendment dated April 14, 2005
Reply to Office Action mailed January 14, 2005

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

LEONARD & PROEHL, Prof. L.L.C.

By 

Date: _____

Robert K. Huck (Reg. No. 45,761)
LEONARD & PROEHL, Prof. L.L.C.
Customer Number 40158
3500 South First Avenue Circle, Suite 250
Sioux Falls, SD 57105-5807
(605)339-2028 FAX (605)336-1931